IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22223 of 2004

Between:

M. Venkata Subba Reddy, S/o M. Nagi Reddy,
O/o Andhra Pradesh Co-op Oil Seeds Growers Federation Corporation Limited, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Health Medical & Family Welfare Department, Secretariat, Hyderabad.
2 The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not implementing the G.O.Ms.No. 582 Health, Medical and Family Welfare (C1) Department dated 16-7-2003 and not absorbing the petitioner in A.P. Vaidya Vidhana Parishad as illegal, arbitrary and contrary to Article 14 of the Constitution of India and consequently direct the respondents to implement the G.O.Ms.No. 582 Health,Medical & Family Welfare (C1) Department dated 16-7-2003 immediately in so far as the petitioner is concerned in the interest of justice.

Counsel for the Petitioner:MR.M.RATNA REDDY

Counsel for the Respondent No.1: GOVERNMENT PLEADER FOR MEDICAL HEALTH & FAMILY WELFARE

Counsel for the Respondent No.2 : MR.K.L.N.SWAMY, STANDING COUNSEL

The Court at the stage of admission, made the following :

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ORDER:

This writ petition is filed to declare the action of the respondents in not implementing G.O.Rt.No.582 Health, Medical and Family Welfare (C1) Department dated 16.7.2003 and not absorbing the petitioner in A.P.Vaidya Vidhana Parishad as illegal and arbitrary.

The petitioner while working as Assistant Executive Engineer in Andhra Pradesh Cooperative Oil Seeds Grower's Federation Limited, sent on deputation to the Commissioner of Andhra Pradesh Vaidya Vidhan Parishad, Hyderabad by order dated 26.3.1997. The petitioner was relieved from the duties from A.P.Cooperative Oil Seeds Grower's Federation. While he was continuing in the 2nd respondent A.P.Vaidya Vidhan Parishad, on deputation, the Government issued G.O.Ms.No.48 HM&FW(CI) Department dated 29-1-2000 to regulate the appointments and absorptions in the 2nd respondent Parishad. The petitioner made a representation on 30.6.2003 to absorb his services in the 2nd respondent Parishad. But, he was relieved from the A.P.Vaidhya Vidhan Parishad and reported to the A.P.Cooprative Oil Seeds Growers' Federation Limited on 14.7.2003. Again, he requested the Managing Director of the Andhra Pradesh Cooperative Oil Seeds Growers' Federation Limited to send him on deputation to the 2nd respondent Parishad. In the meanwhile, the Government issued G.O.Ms.No.582 Health, Medical & Family

Welfare (C1) Department dated 16.7.2003 to call for options from the employees who are working on deputation as on 29.1.2000 for permanent absorption into the 2nd respondent Parishad. For not implementing the said G.O, the present writ petition is filed.

The learned counsel for the petitioner contended that inspite of exercising the option by the petitioner, the same has not been considered by the 1st respondent and therefore, the inaction on the part of the 1st respondent is contrary to G.O.Ms.No.582 Health, Medical & Family Welfare (C1) Department dated 16.7.2003.

On the other hand, the learned Government Pleader for the 1st respondent opposed the same.

The learned counsel for the 2nd respondent contended that it is for the Government to decide whether the petitioner is to be absorbed in the 2nd respondent Parishad or not and that the 2nd respondent vide his letter dated 29.9.2004 requested the Government to issue appropriate orders. So basing on the said letter of the 2nd respondent, the 1st respondent has to take appropriate decision whether the services of the petitioner has to be absorbed in the 2nd respondent Parishad.

Since the issue has to be settled and decided by the 1st respondent, it is appropriate to give a direction to the 1st respondent to take appropriate decision, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly.

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13.12.2004

NOTE: Office to issue C.C within three days

(B.O)

bsv.

To

1 The Secretary, Government of Andhra Pradesh,
Health Medical & Family Welfare Department, Secretariat, Hyderabad.
2 The Commissioner, Andhra Pradesh Vaidya Vidhana Parishad, Hyderabad.

3.2 CCs to the Government Pleader, High Court Buildings., A.P., Hyderabad

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